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49637 7590 05/19/2009

BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2445

DATE MAILED: 05/19/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,272	05/25/2000	Rocco A. DiValentino	PALM-3085.US.P	9398

TITLE OF INVENTION: METHOD AND SYSTEM FOR ADAPTIVE DATA SYNCHRONIZATION AND TRANSPORT ACROSS MULTIPLE DATA TRANSPORT INFRASTRUCTURES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	08/19/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

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A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless directed below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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49637 7590 05/19/2009

**BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rocco A. DiValentino

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	08/19/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
MIRZA, ADNAN M	2445	709-227000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

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Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/580,272

Examiner

ADNAN MIRZA

Applicant(s)

DIALENTINO, ROCCO A.

Art Unit

2445

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/16/2009.
2. ☒ The allowed claim(s) is/are 1-3,6, 8-14,17, 19-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Larry D Donaghue/
Primary Examiner, Art Unit 2454

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Shawn Diedtrich on 05/06/09.

Please amend claims 1, 9, 19 and cancel claims 4-5, 7, 15-16, 18.

Listing of Claims

1. (Currently Amended) A method of communicating with a peripheral computer system comprising the steps of:

- a) creating a two-way communication link from a personal digital assistant ~~said peripheral computer system~~ with a host computer system using one transport mechanism of a plurality of possible transport mechanisms;
- b) said host computer system recognizing said one transport mechanism used in step a) by adaptation software executing on said host computer system;
- c) said host computer system determining a communication protocol from a plurality of possible communication protocols based on recognition of said one transport mechanism, wherein said determining comprises indexing a table with said one transport mechanism recognized in step b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on

the transport mechanism wherein said communication protocol determined at step c) selects a particular user authentication protocol performed to establish data communication between said personal digital assistant and said host computer system and said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said personal digital assistant and host computer system; and

d) said host computer system communicating information to said personal digital assistant ~~peripheral computer system~~ based on said communication protocol determined at step c).

2. (Original) A method as described in Claim 1 wherein said plurality of transport mechanisms comprises: communication via a serial line coupled to said host computer; communication via a networked line coupled to said host computer using a network; communication via a wireless link to said host computer; and communication via the Internet.

3. (Currently Amended) A method as described in Claim 1 wherein said communication protocol determined at step c) restricts data volume communicated to said personal digital assistant ~~peripheral computer system~~.

4. (Canceled)

5. (Canceled)

6. (Currently Amended) A method as described in Claim 1 wherein said communication protocol determined at step c) selects a particular data set that can be accessed by said personal digital assistant ~~peripheral computer system~~.

7. (Canceled)

8. (Currently Amended) A method as described in Claim 1 and further comprising the step of e) updating said plurality of communication protocols by updating said table on said host computer system, wherein said step e) comprises the steps of:

e1) allowing a first set of said plurality of communication protocols to be updated by a system administrator, said first set applied to all users; and

e2) allowing a second set of said plurality of communication protocols to be updated by a given user accessing said host computer system with said ~~peripheral computer system~~ personal digital assistant, said second set applicable only to said given user.

9. (Currently Amended) A system for communicating with a peripheral computer system comprising:

a) a host computer system;

b) a personal digital assistant ~~peripheral computer system~~;

c) a two-way communication link between said host computer system and said personal digital assistant ~~peripheral computer system~~, said communication link being established on one transport mechanism of a plurality of transport mechanisms;

d) adaptation software for execution on said host computer system, said adaptation software for recognizing which of said plurality of transport mechanisms is said one transport mechanism;

e) said host computer system also operable to determine a communication protocol from a plurality of communication protocols based on which of said plurality of transport mechanisms is used, wherein said host computer system uses a table defining a communication protocol having a plurality of parameters for each of the transport mechanisms, wherein like parameters for different communication protocols are separately adjustable to adapt each communication protocol to a respective transport mechanism; and

f) said host computer system also operable to communicate information to said ~~peripheral computer system~~ personal digital assistant based on said communication protocol determined in paragraph e);

wherein said communication protocol selects a particular user authentication protocol performed to establish data communication between said personal digital assistant and said host computer system; and

wherein said communication protocol selects a particular data encryption protocol to be used for data communication between said personal digital assistant and host computer system.

10. (Currently Amended) The system of Claim 9 wherein:
- g) said ~~peripheral computer system~~ personal digital assistant operable to recognize said transport mechanism of said plurality of transport mechanisms;
 - h) said ~~peripheral computer system~~ personal digital assistant also operable to determine said communication protocol from said plurality of communication protocols based on said transport mechanism used; and
 - i) said ~~peripheral computer system~~ personal digital assistant also operable to communicate information to said host computer system based on said communication protocol determined in paragraph h).
11. (Original) The system of Claim 9 wherein said plurality of transport mechanisms comprises: communication via a serial line coupled to said host computer; communication via a networked line coupled to said host computer using a network; communication via a wireless link to said host computer; and communication via the Internet.
12. (Currently Amended) The system of Claim 9 further comprising: a user interface coupled to said ~~peripheral computer system~~ personal digital assistant, said user interface operable for allowing a user to update a set of said plurality of communication protocols, said set applicable only to said user.
13. (Original) The system of Claim 9 further comprising: a system administrator interface coupled to said host system, said system administrator interface operable for allowing a system administrator to update a set of said plurality of communication protocols, said set applicable to all users.
14. (Currently Amended) The system of Claim 9 wherein said communication protocol restricts data volume communicated to said personal digital assistant ~~peripheral computer system~~.

15. (Canceled)

16. (Canceled)

17. (Currently Amended) The system of Claim 9 wherein said communication protocol selects a particular data set that can be accessed by said personal digital assistant ~~peripheral computer system~~.

18. (Canceled)

19. (Currently Amended) An apparatus for transferring information on a host computer system and a personal digital assistant, said apparatus comprising:

a two-way communication link, said communication link connecting said host computer system to a personal digital assistant ~~said peripheral computer system~~, said two-way communication link using one transport mechanism of a plurality of transport mechanisms;

identification software residing on said host computer system, said identification software for determining which of said plurality of transport mechanisms is used on said two-way communication link;

adaptation software residing on said host computer system, said adaptation software operable to determine a communication protocol from a plurality of communication protocols based on which of said plurality of transport mechanisms is used on said two-way communication link, wherein said adaptation software allows communication protocol parameters to be adjusted separately for each of the plurality of transport mechanisms, wherein said plurality of communication protocols include a user authentication protocol and a data encryption protocol; and

communication software residing on said host computer system, said communication software operable to transfer data between said host computer system and said ~~peripheral computer system~~ personal digital assistant based on said communication protocol determined by said adaptation software.

20. (Currently Amended) The apparatus of Claim 19 further comprising: a user parameter program residing on said ~~peripheral computer system~~ personal digital assistant, said user parameter program operable to allow a set of said plurality of communication protocols to be updated by a given user, said set applicable only to said given user.

21. (Original) The apparatus of Claim 19 further comprising: an administrator parameter program residing on said host computer system, said user administrator parameter program operable to allow a set of said plurality of communication protocols to be updated by a system administrator, said set applicable to all users in a system.

Reasons for Allowance

1. Claims 1-3,6, 8-14,17, 19-21 will be allowed.
2. The following is an examiner's statement of reasons for allowance.

The prior art references most closely resembling the applicants claimed invention are Greer et al (U.S. 6,247,048), Bennett (U.S. 6,122,670) and Solymar (U.S. 6,244,758).

First, Greer disclosed a method of translation, that is taking data represented in one character set and translating (transcoding) the data so that it is represented by another character set. However Greer failed to disclose, "wherein said determining comprises indexing a table with said one transport mechanism recognized in step b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on the transport mechanism wherein said communication protocol determined at step c) selects a particular user authentication protocol performed to

establish data communication between said personal digital assistant and said host computer system and said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said personal digital assistant and host computer system; and d) said host computer system communicating information to said personal digital assistant based on said communication protocol determined at step c)". These limitations are incorporated into all of the independent claims (claims 1, 9, 19).

Second Bennett disclosed, " That protocol logic subsystem 45 verifies that the IP header checksum result is correct, and verifies that the TCP segment checksum is correct, before sending the datagram to IP process 96, via bus 43, protocol logic 45, bus 49, i900 bridge 407, bus 47, bus interface 37, and PCI bus 30. If either the IP header checksum or the TCP segment checksum result are incorrect, protocol logic subsystem 45 discards the datagram". However Bennett failed to disclose, "wherein said determining comprises indexing a table with said one transport mechanism recognized in step b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on the transport mechanism wherein said communication protocol determined at step c) selects a particular user authentication protocol performed to establish data communication between said personal digital assistant and said host computer system and said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said personal digital assistant and host computer system; and d) said host computer system communicating information to said personal digital assistant based on said communication protocol determined at step c)". These limitations are incorporated into all of the independent claims (claims 1,9,19).

Third Solymar disclosed, "A system for retrieving lost or stolen electronic devices". However Solymar did not disclose, "wherein said determining comprises indexing a table with said one transport mechanism recognized in step b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to

improve communication based on the transport mechanism wherein said communication protocol determined at step c) selects a particular user authentication protocol performed to establish data communication between said personal digital assistant and said host computer system and said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said personal digital assistant and host computer system; and d) said host computer system communicating information to said personal digital assistant based on said communication protocol determined at step c)". These limitation are incorporated into all of the independent claims (Claims, 1, 9, 19).

In summary, the Examiner submits that neither Greer, nor Bennett and Solymar taught all the limitations of independent claims in combination with other elements. Specifically prior art does not teach , "wherein said determining comprises indexing a table with said one transport mechanism recognized in step b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on the transport mechanism wherein said communication protocol determined at step c) selects a particular user authentication protocol performed to establish data communication between said portable wireless computer system and said host computer system and said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said portable wireless computer system and host computer system"; therefore, claims 1-3,6-14,17-21 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is (571) 272-3885. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Glenton Burgess, can be reached on (571) 272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are listed herein below.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)746-7239.

Customer service number is (866) 217-9197.

/Larry D Donaghue/

Primary Examiner, Art Unit 2454